

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 18<sup>th</sup> day of May, 2023.

In the Matter of The Empire District Electric Company d/b/a Liberty (Empire) for Authority to Implement Rate Adjustments Related to the Company's Fuel and Purchase Power Adjustment (FAC) Required in 20 CSR 4240-20.090 )  
) **File No. ER-2023-0342**  
) Tracking No. JE-2023-0185  
)  
)

In the Matter The Empire District Electric Company d/b/a Liberty (Empire) Fuel Adjustment Clause (FAC) True-Up )  
) **File No. EO-2023-0343**  
)

**ORDER APPROVING FUEL ADJUSTMENT  
TRUE-UP AND APPROVING TARIFF TO CHANGE  
FUEL ADJUSTMENT CLAUSE RATES**

Issue Date: May 18, 2023

Effective Date: June 1, 2023

On March 31, 2023, the Empire District Electric Company d/b/a Liberty submitted its proposed tariff to implement its Fuel Adjustment Rate (FAR) for the accumulation period ending February 28, 2023 and the recovery period ending November 30, 2022 (Tracking No. JE-2023-0185) in File No. ER-2023-0342 as required by Section 386.266, RSMo, and Commission Rule 20 CSR 4240-20.090(8). Liberty filed a substitute tariff on April 21, 2023.

Liberty also submitted an application containing its twenty-seventh true-up filing for its Fuel Adjustment Clause (FAC), as required by Commission Rule 20 CSR 4240-20.090(9) in File No. EO-2023-0343. Liberty requests that the Commission authorize a true-up adjustment and implement it under its FAC tariff bearing an effective date of June 1, 2023.

**FAC true-up**

The true-up amount identified in EO-2023-0343 is the result of an under-collection of \$1,122,287 from customers during Recovery Period 27 from June 1, 2022 through November 30, 2022 (RP27). The true-up amount of \$1,122,287 for RP27 is included in the Fuel and Purchased Power (FPA) amount in Liberty's Accumulation Period 29 (AP29) adjustment filing in File No. ER-2023-0342, which Liberty filed in compliance with its FAC.

Staff filed its recommendation regarding Liberty's True-up on May 1, 2023, in which it examined the direct testimony of Brooke M. Prier, her supporting work papers, and the monthly information Liberty provided with its application. Staff reviewed the calculations of the corrections and interest amounts in those supporting work papers. Staff recommends the Commission approve Liberty's RP27 true-up filing for inclusion in the changes in Liberty's AP29 adjustment filing in File No. ER-2023-0342.

Based on the Commission's review of the verified filings, the Commission finds that the true-up amount is correct. The Commission will authorize Liberty to include the calculated amount in its next FAC accumulation period as previously described.

### **FAC tariff**

With regard to Liberty's request to approve its FAC tariff in File No. ER-2023-0342, the dollar amount used to calculate the proposed rate schedules for AP29 is \$20,618,718, which includes \$18,574,079<sup>1</sup>, the true-up amount for RP27 of \$1,122,287, and interest for AP29 of \$922,353. Based on an average usage of 1,000 kWh per month, Liberty's requested adjustment would result in a decrease in the bill of a typical residential customer

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<sup>1</sup> This quantity represents 95% of the difference between: a) Liberty's Missouri jurisdiction actual fuel costs plus purchased power costs plus net emissions allowance costs less off-system sales revenue and less renewable energy credits ("REC") revenue, and b) Liberty's Missouri jurisdiction net base energy cost during AP29,

of approximately \$8.54 per month.

The Commission's Staff filed a recommendation regarding Liberty's tariff on May 1, 2023. Staff verified that Liberty's actual fuel and purchased power costs match the fuel and purchased power costs included in the company's calculated rates set out in the submitted tariff. Staff also reviewed Liberty's monthly interest rates that are applied to the monthly cumulative over- and under-recovery amounts for AP29, and RP27, and the calculation of the monthly amounts. Staff recommends the Commission approve the FAR tariff to become effective on the June 1, 2023.

Commission rules allow parties ten days to respond to pleadings unless otherwise ordered. Ten days have elapsed and no party has objected to Staff's recommendations in either ER-2023-0342 or EO-2023-0343.

Commission Rule 20 CSR 4240-20.090(8) requires the Commission to issue an order approving or rejecting the company's tariff within 60 days of its filing. If the FAC rate adjustment complies with the Commission's rule, Section 386.266, RSMo, and the FAC mechanism established in the most recent general rate proceeding, the Commission is required to approve the rate adjustment or allow the proposed tariff implementing the adjustment go into effect by operation of law.<sup>2</sup>

The Commission has reviewed Liberty's verified application, Liberty's tariff filing, and Staff's verified recommendation and memorandum and finds that the tariff sheet implementing the FAC rate adjustment is in compliance with the Commission's order establishing the FAC and with all applicable statutes and regulations. Therefore, the Commission will approve Liberty's proposed tariff.

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<sup>2</sup> Commission Rule 20 CSR 4240-20.090(8)

Without Commission action, the tariff will become effective by operation of law on June 1, 2023. Additionally, as noted above, the Commission's rule requires an order be issued within 60 days of the tariff filing. Therefore, the Commission finds it reasonable to make this order effective in less than 30 days.

**THE COMMISSION ORDERS THAT:**

1. The true-up amount for Recovery Period 27 is established for Liberty as an under-collection of \$1,122,287 from its customers and shall be reflected in the rate adjustment in Commission File No. ER-2023-0342.

2. Liberty's tariff filing in File No. ER-2023-0342, assigned Tracking No. JE-2023-0185, and substituted on April 21, 2023, is approved to be effective June 1, 2023, as an interim rate adjustment, subject to true-up and prudence reviews. The tariff approved is:

**P.S.C. MO. No. 6 Section 4**

6<sup>th</sup> Revised Sheet No. 17q, Canceling 5<sup>th</sup> Revised Sheet No. 17q

3. This order shall become effective on June 1, 2023.
4. These files shall close on June 2, 2023.



**BY THE COMMISSION**

*Nancy Dippell*

Nancy Dippell  
Secretary

Rupp, Chm., Coleman, Holsman, and  
Kolkmeier CC., concur.

Keeling, Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 18<sup>th</sup> day of May, 2023.**



*Nancy Dippell*  
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**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**May 18, 2023**

**File/Case No. ER-2023-0342 and EO-2023-0343**

**Missouri Public Service Commission**  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**  
Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@opc.mo.gov

**City of Ozark, Missouri**  
Legal Department  
205 North 1st Street  
Ozark, MO 65721-7311

**Empire District Retired Members & Spouses Association, LLC**  
Legal Department  
3010 East Battlefield, Ste. A  
Springfield, MO 65804

**Liberty (Empire)**  
Diana C Carter  
428 E. Capitol Avenue, Suite 303  
Jefferson City, MO 65101  
Diana.Carter@LibertyUtilities.com

**Midwest Energy Consumers Group**  
Legal Department  
308 E. High Street, Suite B101  
Jefferson City, MO 65101  
tim.opitz@opitzlawfirm.com

**Missouri Public Service Commission**  
Travis Pringle  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
Travis.Pringle@psc.mo.gov

**Renew Missouri**  
Legal Department  
915 East Ash  
Columbia, MO 65201

**The Empire District Electric Company SERP Retirees, LLC**  
Legal Department  
3010 East Battlefield, Ste. A  
Springfield, MO 65804

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

*Sincerely,*



**Nancy Dippell**  
**Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.